

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSE ANTONIO AGUILAR
JARAMILLO,

Plaintiff,

v.

MICHAEL LEISHMAN, ANTONIO
MONTJOJO, & THE CITY OF SAN
MATEO,

Defendants.

Case No. [13-cv-00441-NC](#)

VERDICT FORM

VERDICT FORM

We, the jury, unanimously find the following by a preponderance of the evidence:

Part A. LIABILITY

Section 1983 Claim – Excessive Force

1. Did any of the officers use excessive force against Jose Antonio Aguilar Jaramillo?

Michael Leishman	Yes _____	No _____
Antonio Montojo	Yes _____	No _____

If your answer is “Yes” to any of the defendants, then please proceed to Question 2. If your answers to Question 1 are both “No,” proceed directly to Question 5.

2. Was any of the officers’ use of force the moving force that caused harm to Jose Antonio Aguilar Jaramillo?

Michael Leishman	Yes _____	No _____
Antonio Montojo	Yes _____	No _____

If your answer is “Yes” to any of the defendants, then please proceed to Question 3. If your answers to Question 2 are both “No,” proceed directly to Question 5.

California Civil Code Section 52.1 (Bane Act) Claim

3. Did any of the officers use actions that a reasonable person would have found threatening, intimidating, or coercive against Jose Antonio Aguilar Jaramillo, which interfered with Jose Antonio Aguilar Jaramillo’s right to be free from excessive force?

Michael Leishman	Yes _____	No _____
Antonio Montojo	Yes _____	No _____

If your answer is “Yes” to any of the defendants, then please proceed to Question 4. If your answers to Question 3 are both “No,” proceed directly to Question 5.

4. Was any of the defendants’ conduct a substantial factor in causing harm to Jaramillo?

Michael Leishman	Yes _____	No _____
Antonio Montojo	Yes _____	No _____

Please proceed to Question 5.

Battery Claim

5. Did Jaramillo prove that any of the officers committed a battery against him?

Michael Leishman	Yes_____	No_____
Antonio Montojo	Yes_____	No_____

Please proceed to Question 6.

Negligence Claim

6. Were any of the officers negligent?

Michael Leishman	Yes_____	No_____
Antonio Montojo	Yes_____	No_____

If your answer is "Yes" to any of the defendants, then please proceed to Question 7. If your answers to Question 6 are both "No," proceed directly to Question 11.

7. Was any of the officers' negligence a substantial factor in causing harm to Jose Antonio Aguilar Jaramillo?

Michael Leishman	Yes_____	No_____
Antonio Montojo	Yes_____	No_____

If your answer is "Yes" to any of the defendants, then please proceed to Question 8. If your answers to Question 7 are both "No," proceed directly to Question 11.

8. Was Jose Antonio Aguilar Jaramillo negligent?

Yes_____	No_____
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If your answer to Question 8 is "Yes," then please proceed to Question 9. If your answer to Question 8 is "No," proceed directly to Question 11.

9. Was Jose Antonio Aguilar Jaramillo's negligence a substantial factor in causing his harm?

Yes_____	No_____
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If your answer to Question 9 is "Yes," then please proceed to Question 10. If your answer to Question 9 is "No," proceed directly to Question 11.

10. What percentage of responsibility for Jose Antonio Aguilar Jaramillo's harm do you assign to:

Michael Leishman: _____ %

Antonio Montojo: _____ %

Jose Antonio Aguilar Jaramillo: _____ %

Total: 100 %

Please proceed to Question 11.

Intentional Infliction of Emotional Distress

11. Was the conduct of any of the officers outrageous?

Michael Leishman Yes _____ No _____

Antonio Montojo Yes _____ No _____

If your answer is "Yes" to any of the defendants, then please proceed to Question 12. If your answers to Question 11 are both "No," proceed directly to Part B.

12. Did any of the officers intend to cause Jose Antonio Aguilar Jaramillo emotional distress, or did any of the officers act with reckless disregard of the probability that Jose Antonio Aguilar Jaramillo would suffer emotional distress, knowing that Jose Antonio Aguilar Jaramillo was present when the conduct occurred?

Michael Leishman Yes _____ No _____

Antonio Montojo Yes _____ No _____

If your answer is "Yes" to any of the defendants, then please proceed to Question 13. If your answers to Question 12 are both "No," proceed directly to Part B.

13. Did Jose Antonio Aguilar Jaramillo suffer severe emotional distress?

Yes _____ No _____

If your answer to Question 13 is "Yes," then please proceed to Question 14. If your answer to Question 13 is "No," please proceed directly to Part B.

14. Was any of the officers' conduct a substantial factor in causing harm to Jose Antonio Aguilar Jaramillo?

Michael Leishman Yes _____ No _____

Antonio Montojo Yes _____ No _____

Please proceed to Part B.

Part B. DAMAGES

If you answered "Yes" to any or all of Questions 2, 4, 5, 7, or 14, please answer the following questions. Otherwise, stop here, answer no further questions, and have the presiding juror sign and date this form.

15. What is the total amount of damages, if any, suffered by Jose Antonio Aguilar Jaramillo in each category described below? Do not award duplicate damages for the same harm suffered from multiple claims.

Medical Expenses: \$ _____

Lost Earnings: \$ _____

Pain and Suffering: \$ _____

Emotional Distress: \$ _____

Subtotal \$ _____

16. Does the jury award punitive damages because it finds that Michael Leishman's or Antonio Montojo's conduct that harmed Jose Antonio Aguilar Jaramillo was malicious, oppressive, or in reckless disregard of Jose Antonio Aguilar Jaramillo's rights?

Yes _____ No _____

If your answer to Question 16 is "Yes," then please proceed to Question 17. If your answer to Question 16 is "No," please proceed to Question 18.

17. What is the total amount of punitive damages you wish to award Jose Antonio Aguilar Jaramillo based on each of officers' conduct?

Michael Leishman: \$ _____

Antonio Montojo: \$ _____

Subtotal \$ _____

18. What is the total amount of damages awarded to Jose Antonio Aguilar Jaramillo? Please combine the damages subtotals from Questions 15 and 17.

TOTAL: \$ _____

Please have the presiding juror sign and date this form.

SO SAY WE ALL, this ____ day of February, 2015.

PRESIDING JUROR